

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

NationsRent, Inc., et al.,<sup>1</sup>

Debtors.

NationsRent Unsecured Creditor's  
Liquidating Trust, Perry Mandarino, not  
personally, but as Trustee

Case Nos. 01-11628 through 01-11639 (PJW)

Jointly Administered

Chapter 11

Plaintiff,

v.

3-D/Costal Oil Company

District Court Case Nos. (KAJ):

04-CV-1033

4 Star Air Hydraulics & Ind.

04-CV-1030

Action Tire Company

04-CV-1031

ADA Resources Inc.

04-CV-976

Advanced Tire Inc.

04-CV-713

Ael Leasing Co., Inc.

04-CV-767

Agovino & Asselta, LLP

04-CV-1035

Airdyne Management Inc.

04-CV-714

Allen Oil Company of Sylacauga, Inc.<sup>1</sup>

04-CV-801

Alternators Unlimited Reb.

04-CV-988

A.O.K. Tire Mart II, Inc.

04-CV-766

Archie's Truck Service

04-CV-1158

Arrow Master, Inc.

04-CV-1160

ASAP Equipment Rental & Sales

04-CV-716

Authorized Equipment, Inc.

04-CV-784

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<sup>1</sup> NationsRent USA, Inc., NationsRent Transportation Services, Inc., NR Delaware, Inc., NRG, Inc., NationsRent West, Inc., Logan Equipment Corp., NR Dealer, Inc., NR Franchise Company, Inc., NationsRent of Texas, LP, and NationsRent of Indiana, LP

|   |            |
|---|------------|
| Bay Counties Pitcock Petroleum Inc.         | 04-CV-1060 |
| Black & Veatch Constr.                      | 04-CV-1039 |
| Blue Ribbon Tire Co., Inc.                  | 04-CV-721  |
| Bobcat Company                              | 04-CV-1026 |
| Bradenton Fuel Oil, Inc.                    | 04-CV-1037 |
| Burch-Lowe, Inc.                            | 04-CV-1076 |
| Carruth-Doggett Industries, Inc.            | 04-CV-723  |
| C.G.& E.                                    | 04-CV-802  |
| Central Tire                                | 04-CV-995  |
| Cintas Corp. #318, Cintas Corporation No. 2 | 04-CV-996  |
| CMD Group                                   | 04-CV-726  |
| Coleman Engineering                         | 04-CV-1148 |
| Collision Pro                               | 04-CV-1149 |
| Columbus Equipment Company                  | 04-CV-998  |
| Columbus McKinnon Corp.                     | 04-CV-999  |
| Commercial Tire Inc.                        | 04-CV-806  |
| Construction Machinery, Inc.                | 04-CV-1142 |
| Contractors Machinery Co. Inc.              | 04-CV-795  |
| Corporate Express                           | 04-CV-1001 |
| Cowin Equipment Company, Inc.               | 04-CV-728  |
| Creative Financial Staffing                 | 04-CV-1021 |
| Crosscheck, Inc.                            | 04-CV-732  |
| Cyrk, Inc. a/k/a Cyrk Acquisition           | 04-CV-734  |
| Delta BCX Printing                          | 04-CV-1167 |
| Delta Formost Chemical Corporation          | 04-CV-1170 |
| Diamant Boart Inc.                          | 04-CV-1104 |
| Diamond Hydraulics                          | 04-CV-1106 |
| Diamond J. Transport, Inc.                  | 04-CV-787  |

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| Diversified Credit Service  | 04-CV-1096 |
| Don's Tire Service, Inc.  | 04-CV-1106 |
| Dorris Cleaning   | 04-CV-1111 |
| Doskocil Industries, Inc.   | 04-CV-1150 |
| Dossey Holdings, Inc.   | 04-CV-1155 |
| Double A  | 04-CV-1153 |
| Douglass Distributing   | 04-CV-1114 |
| Dutchess Forging  | 04-CV-1117 |
| Ebusiness Technology partners, Inc., f/k/a<br>PSR Professional Staffing, Inc. | 04-CV-747  |
| Ed Hart   | 04-CV-975  |
| EJ Reynolds, Inc.   | 04-CV-722  |
| Equipment Development Co., Inc.   | 04-CV-1128 |
| Equiptechs, Inc.  | 04-CV-789  |
| Falcon Power  | 04-CV-1130 |
| Fischer Group   | 04-CV-1141 |
| FL Hydraulic Machinery  | 04-CV-725  |
| Fleetwing Corp.   | 04-CV-1151 |
| Fluid Tech Hydraulics, Inc.   | 04-CV-1154 |
| GCR Pensacola Truck Tire Ctr.   | 04-CV-730  |
| Gene Jackson Tire Co.   | 04-CV-1049 |
| GFC Leasing   | 04-CV-1051 |
| GMR Marketing LLC   | 04-CV-731  |
| Goodyear Commercial Tire & Service<br>Center                                  | 04-CV-733  |
| GSR Construction, Inc.  | 04-CV-768  |
| Gullo Ford Mercury  | 04-CV-769  |
| Harbor Graphics Corporation   | 04-CV-1007 |
| Harte-Hanks   | 04-CV-739  |

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| Hick's Petroleum Distributors, Inc. | 04-CV-770  |
| Hindley Electronics, Inc.           | 04-CV-1013 |
| Holt Equipment Company Co., LLC     | 04-CV-772  |
| Hunt & Sons                         | 04-CV-1019 |
| Husqvarna Forest & Garden           | 04-CV-1176 |
| ID Technologies, Inc.               | 04-CV-1043 |
| Igloo Products Corp.                | 04-CV-1042 |
| Illuminating Company                | 04-CV-1070 |
| Industrial Hydraulics               | 04-CV-1075 |
| Ingram Trucking LLC                 | 04-CV-744  |
| BBF, Ltd                            | 04-CV-800  |
| JAM Distributing Company            | 04-CV-1123 |
| J&B Auto Supply, Inc.               | 04-CV-1162 |
| Jeff Falkanger & Associates         | 04-CV-1184 |
| Jimmy's Garage                      | 04-CV-1080 |
| Joe Jeter Sales                     | 04-CV-981  |
| John Ray and Sons Inc.              | 04-CV-774  |
| Kent Demolition Tools               | 04-CV-987  |
| Keson Industries Inc.               | 04-CV-1116 |
| Kforce.com Inc.                     | 04-CV-745  |
| L&P Financial Services              | 04-CV-1165 |
| Laclede Chain Mfg. Co.              | 04-CV-1086 |
| Land & Sea Petroleum, Inc.          | 04-CV-993  |
| Lionudakis Wood & Green Waste       | 04-CV-1091 |
| Little Beaver, Inc.                 | 04-CV-997  |
| Lockhart Tire                       | 04-CV-1062 |
| M & D Distributors                  | 04-CV-1172 |
| M.P. Brine Inc.                     | 04-CV-783  |

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| Maxim Group  | 04-CV-757  |
| Maxout Sourcing Services   | 04-CV-758  |
| Metso Minerals Industries, Inc.  | 04-CV-1011 |
| Miller Bros Giant Tire Service-Jacksonville, Inc.                        | 04-CV-1178 |
| The Miller Spreader Co.  | 04-CV-1008 |
| Mission Critical System, Inc.  | 04-CV-1014 |
| Mobile Products, Inc.  | 04-CV-1186 |
| Mobile Storage Group, Inc.   | 04-CV-1028 |
| Morgan Auto Supply Co.   | 04-CV-1191 |
| Morgan Guaranty Trust Company of New York                                | 04-CV-1192 |
| Morgan Marshall Industries Inc.  | 04-CV-763  |
| Multiquip Inc.   | 04-CV-1025 |
| Mutual Industries  | 04-CV-737  |
| Naab Consulting Corp.  | 04-CV-1027 |
| Nabors Radiator & Electric   | 04-CV-738  |
| NACM   | 04-CV-1067 |
| NAPA Auto Parts, National Automotive Parts Association                   | 04-CV-1041 |
| Napa Auto Parts of Franklin  | 04-CV-1073 |
| Nashville Tractor & Equip. Inc. formally known as Nashville Ford Tractor | 04-CV-1063 |
| Neff Rental Inc.   | 04-CV-785  |
| Nickey Petroleum Co. Inc.  | 04-CV-1085 |
| Nortrax Equipment Co. SE, LLC  | 04-CV-1045 |
| Nortrax Equipment Co. South LA   | 04-CV-1044 |
| Nortrax NE LLC   | 04-CV-1064 |
| NSTAR Electric & Gas Corporation   | 04-CV-1066 |

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| Office Management Systems Inc.                        | 04-CV-742  |
| Olsen Tire  | 04-CV-792  |
| Original Equipment Replacement Parts, Inc.            | 04-CV-777  |
| Orlando Industrial Contractors                        | 04-CV-776  |
| OTR Tire & Supply Co.                                 | 04-CV-1088 |
| Overland Machinery Co.                                | 04-CV-1089 |
| Pacific Century LSG #449                              | 04-CV-1074 |
| Palmer Distributing & Sales                           | 04-CV-1055 |
| Parkway Truck Sales, Inc.                             | 04-CV-781  |
| Partner Industrial Products                           | 04-CV-1047 |
| Parts Associates                                      | 04-CV-1056 |
| Penick, Parr & Associates                             | 04-CV-1092 |
| Peterson Tire Inc.                                    | 04-CV-1061 |
| Pipeline Supply & Service                             | 04-CV-1098 |
| Pratt & Whitney Canada, Inc.                          | 04-CV-786  |
| Pro Chem Cleaning                                     | 04-CV-1108 |
| Progressive Tractor Corp.                             | 04-CV-791  |
| Promotion Solution Inc.                               | 04-CV-790  |
| Quick Corner CITGO                                    | 04-CV-1119 |
| Reeder Distributors Inc.                              | 04-CV-749  |
| Relizon   | 04-CV-750  |
| Rentlink Inc.   | 04-CV-1054 |
| Rhode Island Tire Co. Inc.                            | 04-CV-1032 |
| Rish Equipment Company                                | 04-CV-796  |
| Robertson Fleet Service Inc.                          | 04-CV-1029 |
| S&D Tire Inc.   | 04-CV-1134 |
| Saber Fleet Services, Inc. d/b/a Weiland Tire Service | 04-CV-753  |

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| Sanford Auto & Truck Parts                 | 04-CV-1140 |
| Scotty's Oil Company, Inc.                 | 04-CV-755  |
| Sellers Petroleum Products Inc.            | 04-CV-1109 |
| Sensormatic Electronics Corp.              | 04-CV-1169 |
| Services & Materials, Co.                  | 04-CV-1171 |
| Sherwin-Williams                           | 04-CV-754  |
| SB Power Tool Corp.                        | 04-CV-1174 |
| Soco Group                                 | 04-CV-1159 |
| Son Coast, Hauling, CCC                    | 04-CV-1077 |
| Southeastern Crane                         | 04-CV-799  |
| Southern Energy Company                    | 04-CV-1084 |
| Southern Linc                              | 04-CV-1093 |
| Spectra Precision d/b/a Richard B. Trimble | 04-CV-1094 |
| Speedway New Holland                       | 04-CV-1100 |
| Staffing Master.com                        | 04-CV-1113 |
| Star Tire Company Inc.                     | 04-CV-1050 |
| Sterling Truck of Utah                     | 04-CV-1102 |
| Stihl Inc. National Accounts               | 04-CV-1180 |
| Stone Construction Equipment Inc.          | 04-CV-1183 |
| Sullivan Palatek Inc.                      | 04-CV-1052 |
| Sun Coast Resources Inc.                   | 04-CV-1188 |
| Tacony Corporation                         | 04-CV-808  |
| Terex Aerials, Inc. d/b/a Terex Cranes     | 04-CV-973  |
| Texana Machinery Corp.                     | 04-CV-805  |
| Tex Con Oil Company                        | 04-CV-1120 |
| Tioga Inc.                                 | 04-CV-1129 |
| TIP Dept 0501                              | 04-CV-1131 |
| Tire Centers LLC                           | 04-CV-1133 |

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| TMP Worldwide Inc. also known as<br>Monster Worldwide, Inc. | 04-CV-986  |
| Triton Transport Inc  | 04-CV-1196 |
| Truck Lease Corp.   | 04-CV-1198 |
| Truck PM Corporation  | 04-CV-1002 |
| Tsurumi (America) Inc.                                      | 04-CV-1005 |
| Tullo Truck Stop  | 04-CV-1138 |
| Unifirst Corp.  | 04-CV-1139 |
| Uniontools, Inc.  | 04-CV-1009 |
| US Imaging Solutions  | 04-CV-1012 |
| US Market Inc.  | 04-CV-740  |
| Valley Rubber & Gasket                                      | 04-CV-1144 |
| Valley Tire Co., Inc.                                       | 04-CV-1194 |
| The Valvoline Company                                       | 04-CV-759  |
| Vector Security Inc   | 04-CV-1197 |
| Vermeer Equipment of Texas Inc.                             | 04-CV-1166 |
| Vermeer Northeast   | 04-CV-1175 |
| Vermeer of Tennessee, Inc.                                  | 04-CV-1071 |
| Vermeer Sales & Service of Colorado, Inc.                   | 04-CV-1112 |
| Vermeer Sales and Service of Southern<br>Ohio, Inc.         | 04-CV-1107 |
| Vermeer Sales of Texas Inc.                                 | 04-CV-1189 |
| Vickers & Asso, Inc.  | 04-CV-1079 |
| Vic's Tire Service  | 04-CV-804  |
| Viking Oil  | 04-CV-1081 |
| Voltech Company   | 04-CV-1087 |
| Wayne Miller's Mobile Tire Inc.                             | 04-CV-1179 |
| Worcester Truck Body Co., Inc.                              | 04-CV-1168 |

World Wide Welding & Press Inc.  
Defendants.

04-CV-1103

**CERTIFICATION OF COUNSEL REGARDING ORDER: (I) SETTING  
PROCEDURES TO FACILITATE SETTLEMENT  
OF THE ABOVE-CAPTIONED ADVERSARY PROCEEDINGS,  
AND (II) SETTING OCTOBER 11, 2005 AT 10:00 A.M. AS A  
STATUS/SCHEUDLING CONFERENCE DATE IN THE  
ABOVE-CAPTIONED ADVERSARY PROCEEDINGS**

I, Mary E. Augustine, Esq. of The Bayard Firm, counsel for the Plaintiffs ("Plaintiff" or "Plaintiffs") in the above-captioned adversary proceedings (the "Adversary Proceedings"), hereby certify as follows:

1. On May 16, 2005, an initial pretrial conference was held (the "Pretrial Conference") in the Adversary Proceedings.
2. At the Pretrial Conference, the Plaintiff proposed a schedule to apply to the Adversary Proceedings for the submission of settlement proposals/positions to the Plaintiff with the Plaintiff's required response deadlines. The Court also directed that a status/scheduling conference pursuant to Rule 16(b) of the Federal Rules of Civil Procedure be held in the Adversary Proceedings on October 11, 2005 at 10:00 a.m.

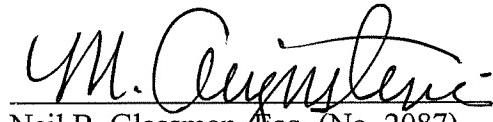
3. Accordingly, for the Court's consideration, attached hereto as Exhibit A is a proposed Order reflecting the dates and procedure presented at the Pretrial Conference.

*Remainder of page intentionally left blank.*

4. I respectfully request the entry of the proposed Order at the Court's earliest convenience.

Dated: May 18, 2005

THE BAYARD FIRM



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Mary E. Augustine (No. 4477)  
222 Delaware Avenue, Suite 900  
Wilmington, Delaware 19801  
(302) 655-5000 (telephone)  
(302) 658-6395 (facsimile)

-and-

LOWENSTEIN SANDLER PC  
Paul Kizel, Esq.  
65 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 597-2500 (telephone)  
(973) 597-2400 (facsimile)

Attorneys for Plaintiffs

## **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

NationsRent, Inc., et al.,<sup>1</sup>

Debtors.

NationsRent Unsecured Creditor's  
Liquidating Trust, Perry Mandarino, not  
personally, but as Trustee

Plaintiff,

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| 3-D/Costal Oil Company                            | District Court Case Nos. (KAJ):<br>04-CV-1033 |
| 4 Star Air Hydraulics & Ind.                      | 04-CV-1030                                    |
| Action Tire Company                               | 04-CV-1031                                    |
| ADA Resources Inc.                                | 04-CV-976                                     |
| Advanced Tire Inc.                                | 04-CV-713                                     |
| Ael Leasing Co., Inc.                             | 04-CV-767                                     |
| Agovino & Asselta, LLP                            | 04-CV-1035                                    |
| Airdyne Management Inc.                           | 04-CV-714                                     |
| Allen Oil Company of Sylacauga, Inc. <sup>1</sup> | 04-CV-801                                     |
| Alternators Unlimited Reb.                        | 04-CV-988                                     |
| A.O.K. Tire Mart II, Inc.                         | 04-CV-766                                     |
| Archie's Truck Service                            | 04-CV-1158                                    |
| Arrow Master, Inc.                                | 04-CV-1160                                    |
| ASAP Equipment Rental & Sales                     | 04-CV-716                                     |
| Authorized Equipment, Inc.                        | 04-CV-784                                     |

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<sup>1</sup> NationsRent USA, Inc., NationsRent Transportation Services, Inc., NR Delaware, Inc., NRG, Inc., NationsRent West, Inc., Logan Equipment Corp., NR Dealer, Inc., NR Franchise Company, Inc., NationsRent of Texas, LP, and NationsRent of Indiana, LP

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| Burch-Lowe, Inc.                            | 04-CV-1076 |
| Carruth-Doggett Industries, Inc.            | 04-CV-723  |
| C.G.& E.                                    | 04-CV-802  |
| Central Tire                                | 04-CV-995  |
| Cintas Corp. #318, Cintas Corporation No. 2 | 04-CV-996  |
| CMD Group                                   | 04-CV-726  |
| Coleman Engineering                         | 04-CV-1148 |
| Collision Pro                               | 04-CV-1149 |
| Columbus Equipment Company                  | 04-CV-998  |
| Columbus McKinnon Corp.                     | 04-CV-999  |
| Commercial Tire Inc.                        | 04-CV-806  |
| Construction Machinery, Inc.                | 04-CV-1142 |
| Contractors Machinery Co. Inc.              | 04-CV-795  |
| Corporate Express                           | 04-CV-1001 |
| Cowin Equipment Company, Inc.               | 04-CV-728  |
| Creative Financial Staffing                 | 04-CV-1021 |
| Crosscheck, Inc.                            | 04-CV-732  |
| Cyrk, Inc. a/k/a Cyrk Acquisition           | 04-CV-734  |
| Delta BCX Printing                          | 04-CV-1167 |
| Delta Formost Chemical Corporation          | 04-CV-1170 |
| Diamant Boart Inc.                          | 04-CV-1104 |
| Diamond Hydraulics                          | 04-CV-1106 |
| Diamond J. Transport, Inc.                  | 04-CV-787  |

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| Diversified Credit Service  | 04-CV-1096 |
| Don's Tire Service, Inc.  | 04-CV-1106 |
| Dorris Cleaning   | 04-CV-1111 |
| Doskocil Industries, Inc.   | 04-CV-1150 |
| Dossey Holdings, Inc.   | 04-CV-1155 |
| Double A  | 04-CV-1153 |
| Douglass Distributing   | 04-CV-1114 |
| Dutchess Forging  | 04-CV-1117 |
| Ebusiness Technology partners, Inc., f/k/a<br>PSR Professional Staffing, Inc. | 04-CV-747  |
| Ed Hart   | 04-CV-975  |
| EJ Reynolds, Inc.   | 04-CV-722  |
| Equipment Development Co., Inc.   | 04-CV-1128 |
| Equiptechs, Inc.  | 04-CV-789  |
| Falcon Power  | 04-CV-1130 |
| Fischer Group   | 04-CV-1141 |
| FL Hydraulic Machinery  | 04-CV-725  |
| Fleetwing Corp.   | 04-CV-1151 |
| Fluid Tech Hydraulics, Inc.   | 04-CV-1154 |
| GCR Pensacola Truck Tire Ctr.   | 04-CV-730  |
| Gene Jackson Tire Co.   | 04-CV-1049 |
| GFC Leasing   | 04-CV-1051 |
| GMR Marketing LLC   | 04-CV-731  |
| Goodyear Commercial Tire & Service<br>Center                                  | 04-CV-733  |
| GSR Construction, Inc.  | 04-CV-768  |
| Gullo Ford Mercury  | 04-CV-769  |
| Harbor Graphics Corporation   | 04-CV-1007 |
| Harte-Hanks   | 04-CV-739  |

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| Hick's Petroleum Distributors, Inc. | 04-CV-770  |
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| Hunt & Sons                         | 04-CV-1019 |
| Husqvarna Forest & Garden           | 04-CV-1176 |
| ID Technologies, Inc.               | 04-CV-1043 |
| Igloo Products Corp.                | 04-CV-1042 |
| Illuminating Company                | 04-CV-1070 |
| Industrial Hydraulics               | 04-CV-1075 |
| Ingram Trucking LLC                 | 04-CV-744  |
| BBF, Ltd                            | 04-CV-800  |
| JAM Distributing Company            | 04-CV-1123 |
| J&B Auto Supply, Inc.               | 04-CV-1162 |
| Jeff Falkanger & Associates         | 04-CV-1184 |
| Jimmy's Garage                      | 04-CV-1080 |
| Joe Jeter Sales                     | 04-CV-981  |
| John Ray and Sons Inc.              | 04-CV-774  |
| Kent Demolition Tools               | 04-CV-987  |
| Keson Industries Inc.               | 04-CV-1116 |
| Kforce.com Inc.                     | 04-CV-745  |
| L&P Financial Services              | 04-CV-1165 |
| Laclede Chain Mfg. Co.              | 04-CV-1086 |
| Land & Sea Petroleum, Inc.          | 04-CV-993  |
| Lionudakis Wood & Green Waste       | 04-CV-1091 |
| Little Beaver, Inc.                 | 04-CV-997  |
| Lockhart Tire                       | 04-CV-1062 |
| M & D Distributors                  | 04-CV-1172 |
| M.P. Brine Inc.                     | 04-CV-783  |

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| Maxout Sourcing Services   | 04-CV-758  |
| Metso Minerals Industries, Inc.  | 04-CV-1011 |
| Miller Bros Giant Tire Service-Jacksonville, Inc.                        | 04-CV-1178 |
| The Miller Spreader Co.  | 04-CV-1008 |
| Mission Critical System, Inc.  | 04-CV-1014 |
| Mobile Products, Inc.  | 04-CV-1186 |
| Mobile Storage Group, Inc.   | 04-CV-1028 |
| Morgan Auto Supply Co.   | 04-CV-1191 |
| Morgan Guaranty Trust Company of New York                                | 04-CV-1192 |
| Morgan Marshall Industries Inc.  | 04-CV-763  |
| Multiquip Inc.   | 04-CV-1025 |
| Mutual Industries  | 04-CV-737  |
| Naab Consulting Corp.  | 04-CV-1027 |
| Nabors Radiator & Electric   | 04-CV-738  |
| NACM   | 04-CV-1067 |
| NAPA Auto Parts, National Automotive Parts Association                   | 04-CV-1041 |
| Napa Auto Parts of Franklin  | 04-CV-1073 |
| Nashville Tractor & Equip. Inc. formally known as Nashville Ford Tractor | 04-CV-1063 |
| Neff Rental Inc.   | 04-CV-785  |
| Nickey Petroleum Co. Inc.  | 04-CV-1085 |
| Nortrax Equipment Co. SE, LLC  | 04-CV-1045 |
| Nortrax Equipment Co. South LA   | 04-CV-1044 |
| Nortrax NE LLC   | 04-CV-1064 |
| NSTAR Electric & Gas Corporation   | 04-CV-1066 |

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| Office Management Systems Inc.                        | 04-CV-742  |
| Olsen Tire  | 04-CV-792  |
| Original Equipment Replacement Parts, Inc.            | 04-CV-777  |
| Orlando Industrial Contractors                        | 04-CV-776  |
| OTR Tire & Supply Co.                                 | 04-CV-1088 |
| Overland Machinery Co.                                | 04-CV-1089 |
| Pacific Century LSG #449                              | 04-CV-1074 |
| Palmer Distributing & Sales                           | 04-CV-1055 |
| Parkway Truck Sales, Inc.                             | 04-CV-781  |
| Partner Industrial Products                           | 04-CV-1047 |
| Parts Associates                                      | 04-CV-1056 |
| Penick, Parr & Associates                             | 04-CV-1092 |
| Peterson Tire Inc.                                    | 04-CV-1061 |
| Pipeline Supply & Service                             | 04-CV-1098 |
| Pratt & Whitney Canada, Inc.                          | 04-CV-786  |
| Pro Chem Cleaning                                     | 04-CV-1108 |
| Progressive Tractor Corp.                             | 04-CV-791  |
| Promotion Solution Inc.                               | 04-CV-790  |
| Quick Corner CITGO                                    | 04-CV-1119 |
| Reeder Distributors Inc.                              | 04-CV-749  |
| Relizon   | 04-CV-750  |
| Rentlink Inc.   | 04-CV-1054 |
| Rhode Island Tire Co. Inc.                            | 04-CV-1032 |
| Rish Equipment Company                                | 04-CV-796  |
| Robertson Fleet Service Inc.                          | 04-CV-1029 |
| S&D Tire Inc.   | 04-CV-1134 |
| Saber Fleet Services, Inc. d/b/a Weiland Tire Service | 04-CV-753  |
| Sanford Auto & Truck Parts                            | 04-CV-1140 |

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| Scotty's Oil Company, Inc.                                  | 04-CV-755  |
| Sellers Petroleum Products Inc.                             | 04-CV-1109 |
| Sensormatic Electronics Corp.                               | 04-CV-1169 |
| Services & Materials, Co.                                   | 04-CV-1171 |
| Sherwin-Williams  | 04-CV-754  |
| SB Power Tool Corp.   | 04-CV-1174 |
| Soco Group  | 04-CV-1159 |
| Son Coast, Hauling, CCC                                     | 04-CV-1077 |
| Southeastern Crane  | 04-CV-799  |
| Southern Energy Company                                     | 04-CV-1084 |
| Southern Linc   | 04-CV-1093 |
| Spectra Precision d/b/a Richard B. Trimble                  | 04-CV-1094 |
| Speedway New Holland  | 04-CV-1100 |
| Staffing Master.com   | 04-CV-1113 |
| Star Tire Company Inc.                                      | 04-CV-1050 |
| Sterling Truck of Utah                                      | 04-CV-1102 |
| Stihl Inc. National Accounts                                | 04-CV-1180 |
| Stone Construction Equipment Inc.                           | 04-CV-1183 |
| Sullivan Palatek Inc.                                       | 04-CV-1052 |
| Sun Coast Resources Inc.                                    | 04-CV-1188 |
| Tacony Corporation  | 04-CV-808  |
| Terex Aerials, Inc. d/b/a Terex Cranes                      | 04-CV-973  |
| Texana Machinery Corp.                                      | 04-CV-805  |
| Tex Con Oil Company   | 04-CV-1120 |
| Tioga Inc.  | 04-CV-1129 |
| TIP Dept 0501   | 04-CV-1131 |
| Tire Centers LLC  | 04-CV-1133 |
| TMP Worldwide Inc. also known as<br>Monster Worldwide, Inc. | 04-CV-986  |

|  |            |
|--|------------|
| Triton Transport Inc                             | 04-CV-1196 |
| Truck Lease Corp.                                | 04-CV-1198 |
| Truck PM Corporation                             | 04-CV-1002 |
| Tsurumi (America) Inc.                           | 04-CV-1005 |
| Tullo Truck Stop                                 | 04-CV-1138 |
| Unifirst Corp.                                   | 04-CV-1139 |
| Uniontools, Inc.                                 | 04-CV-1009 |
| US Imaging Solutions                             | 04-CV-1012 |
| US Market Inc.                                   | 04-CV-740  |
| Valley Rubber & Gasket                           | 04-CV-1144 |
| Valley Tire Co., Inc.                            | 04-CV-1194 |
| The Valvoline Company                            | 04-CV-759  |
| Vector Security Inc                              | 04-CV-1197 |
| Vermeer Equipment of Texas Inc.                  | 04-CV-1166 |
| Vermeer Northeast                                | 04-CV-1175 |
| Vermeer of Tennessee, Inc.                       | 04-CV-1071 |
| Vermeer Sales & Service of Colorado, Inc.        | 04-CV-1112 |
| Vermeer Sales and Service of Southern Ohio, Inc. | 04-CV-1107 |
| Vermeer Sales of Texas Inc.                      | 04-CV-1189 |
| Vickers & Asso, Inc.                             | 04-CV-1079 |
| Vic's Tire Service                               | 04-CV-804  |
| Viking Oil                                       | 04-CV-1081 |
| Voltech Company                                  | 04-CV-1087 |
| Wayne Miller's Mobile Tire Inc.                  | 04-CV-1179 |
| Worcester Truck Body Co., Inc.                   | 04-CV-1168 |
| World Wide Welding & Press Inc.                  | 04-CV-1103 |

Defendants.

**ORDER: (I) SETTING PROCEDURES TO FACILITATE  
SETTLEMENT OF THE ABOVE-CAPTIONED ADVERSARY  
PROCEEDINGS, AND (II) SETTING OCTOBER 11, 2005 AT 10:00 A.M.  
AS A STATUS/SCHEDULING CONFERENCE DATE IN THE  
ABOVE-CAPTIONED ADVERSARY PROCEEDINGS**

This matter having come before the Court at the initial pretrial conference (the "Pretrial Conference") held on May 16, 2005; and the Court having considered the settlement procedures proposed by counsel for Plaintiff in the captioned adversary proceedings ("Plaintiff" or "Plaintiffs"); and having considered all responses thereto;

IT IS HEREBY ORDERED THAT:

1. Each defendant (the "Defendant") in the each of above-captioned adversary proceedings (the "Adversary Proceedings") shall submit a written settlement proposal/position (the "Settlement Position") in good faith to counsel for the Plaintiffs by July 15, 2005, which: (a) contains a brief statement setting forth the basis of the Defendant's defenses, (b) attaches all documentation supporting such defenses, and (c) sets forth Defendant's settlement proposal and/or position. The Settlement Position shall be served upon Plaintiff's counsel at the following address:

Lowenstein Sandler PC  
Attn: Susan Erickson, Esq.  
65 Livingston Avenue  
Roseland, NJ 07068-1791

2. The Plaintiff shall consider the Settlement Positions in good faith and shall respond in writing to each Settlement Position pursuant to the following schedule:

a. If the amount sought to be recovered by the Plaintiff in the Adversary Proceeding is greater than \$50,000.00, the Plaintiff must respond to the Settlement Position by August 19, 2005.

- b. If the amount sought to be recovered by the Plaintiff in the Adversary Proceeding is between \$20,000.00 and \$50,000.00, the Plaintiff must respond to the Settlement Position by September 16, 2005.
- c. If the amount sought to be recovered by the Plaintiff in the Adversary Proceeding is less than \$20,000.00 the Plaintiff must respond to the Settlement Position by September 30, 2005.

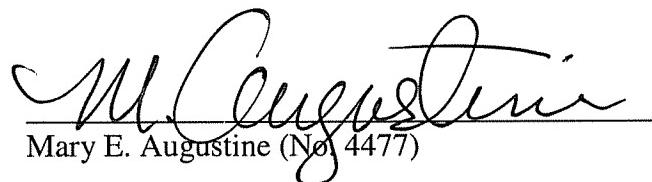
3. Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a status/scheduling conference for the unresolved Adversary Proceedings will be held on October 11, 2005 at 10:00 a.m.

Dated: \_\_\_\_\_, 2005

\_\_\_\_\_  
The Honorable Kent A. Jordan  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I Mary E. Augustine, hereby certify that on this 18<sup>th</sup> day of May, 2005, I caused a copy of the **Certification of Counsel Regarding Order: (I) Setting Procedures to Facilitate Settlement of the Above-Captioned Adversary Proceedings, and (II) Setting October 11, 2005 at 10:00 a.m. as a Status/Scheduling Conference Date in the Above-Captioned Adversary Proceedings** to be served upon the parties listed on the attached service list via hand delivery to local parties and via First Class United States Mail to all other parties thereon.



Mary E. Augustine (No. 4477)

Jeff Wasserman, Esq.  
Ciccone, Roseman and Wasserman  
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Wilmington, DE 19801

Re: 3-D/Coastal Oil Company

Jeff Wasserman, Esq.  
Ciccone, Roseman and Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: 4 Star Air Hydraulics & Ind.

Ed Hart pro se  
7465 St. Route 366, Suite D  
Huntsville, OH 43324

Re: A&H Hose and Fitting

Jeff Wasserman, Esq.  
Ciccone, Roseman and Wasserman  
1300 King Street  
Wilmington, DE 19801

Re: A.O.K. Tire Mart II, Inc.

Mr. Ricky Stewart, President/CEO  
410 Lee's Mill Road  
Forest Park, GA 30297

Re: Action Tire Company

Rebecca Beste, Esq.  
Potter Anderson  
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Re: ADA Resources

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Cleveland, OH 44113

Re: Advanced Tire

William G. Wright, Esq.  
Farr, Burke, Gambacorta & Wright  
211 Benigno Blvd., Suite 201  
Bellmawr, NJ 08031

Re: Ael Leasing Co., Inc.

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Re: Airdyne

Mark Owsley, Esq.  
PO Box 6105  
Talladega, Alabama 35161

Re: Allen Oil Company of Sylacauga, Inc.

Joyce Lindauer  
12900 Preston Road, Suite 1050  
Dallas, TX 75320

Re: Alternators Unlimited Reb.

Jeff Wasserman, Esq.  
Ciccone, Roseman and Wasserman  
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Re: American Hydraulics

Attention: Stephen Paradis, President/CEO  
Attn: Stephen Paradis, President/CEP  
180 Alabama Road  
Tewksbury, MA 01876

Re: Archie's Truck

Attn: Stephen Parad, President/CEO  
Attn: Stephen Parad, President/CEP  
5 Villa Street  
Chelsea, MA 02150

Re: Archie's Truck

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Re: Arrow Master

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Re: ASAP Rental

Jonathon Pledger, Esq.  
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5205 Maryland Way, Suite 320  
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Re: Authorized Equipment, Inc.

Attn: Aubrey D1 Pitcock, Registered Agent  
220 Hookston Road  
Pleasant Hill, CA 94523

Re: Bay Counties Pitcock Petroleum

Attn: Joe Baker, CEO/President  
10950 Belcher Road  
Largo, FL 33777

Re: BBF Printing Solutions, Inc.

Attn: Carol Clark, General Counsel  
11401 Lamar Avenue  
Overland Park, Kansas 66211

Re: Black & Veatch Constr., Inc.

Attn: Clarence Bergman, President/CEO  
1446 N 24<sup>th</sup> Avenue  
Phoenix, AZ 85009

Re: Blue Ribbon Tire

Sally Baumgartne, Registered Agent  
3215 3<sup>rd</sup> Street  
West Bradenton, FL 33505

Re: Badenton Fuel Oil, Inc.

Attn: Karen Baldw, CEO/President  
6116 21<sup>st</sup> Street  
East Bradenton, FL 34203

Re: Bradenton Fuel Oil, Inc.

Attn: President / CEO  
5710 Riverview Road  
Mableton, GA 30059

Re: Burch-Lowe, Inc.

Attn: The Corporation Company  
2000 Interstate Park Drive, Suite 2  
Montgomery, AL 36100

Re: Burch-Lowe, Inc.

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Cincinnati, OH 45202

Re: C.G&E

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Houston, TX 77019

Re: Carruth-Doggett

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Re: Central Tire

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Re: Cintas Corp.

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Suite 100  
Norcross, GA 30092

Re: Reed Construction Data

Mr. Arol R. Wolford, President/CEO  
PO Box 2241  
Carol Stream, IL 60116

Re: CMD Group

Mr. Steven Hueser, CEO/President  
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Rock Hill, SC 29730

Re: Terex Light Construction Co.

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Re: Collision Pro

Rachel B. Mersky, Esq.  
Monzack and Monaco  
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Wilmington, DE 19801

Re: Columbus Equipment Co.

Timothy T. Tevens, President/CEO  
140 John James Audubon Parkway  
Amherst, NY 14228

Re: Columbus McKinnon

Jody Shilling President/CEO  
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Hammond, LA 70403

Re: Commercial Tire, Inc.

Gerald West  
13950 Plank Road  
Baker, LA 70714

Re: Commercial Tire, Inc.

Cook Inlet Region, Inc.  
Attn: Lisa Rieger, General Counsel  
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Anchorage Alaska 99509-3330

Re: Construction Machinery, Inc.

Robert Matz, Chairman  
M-L Holdings Company  
4601 Washington Blvd.  
Baltimore, MD 21227

Re: Contractors Machinery Co. Inc.

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Re: Corporate Express

John Frawley, Esq.  
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Re: Creative Financial Staffing

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Re: Crosscheck

Mike Weinsier, Esq.  
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New York, New York 10004

Re: Cyrk, Inc. a/k/a Cyrk Acquisition

Jeff Margolin, Esq.  
Hughes Hubbard & Reed LLP  
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Re: Cyrk, Inc. a/k/a Cyrk Acquisition

Attn: Rick Nettina - President / CEO  
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Re: Delta BCX Printing

Attn: Mr. Ronald Cooper - President / CEO  
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Memphis, TN 38118

Re: Delta Formost Chemical

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Re: Diamant Boart

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Hitchcock, TX 77563

Re: Diamond Hydraulics

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Jeanette, PA 15644

Re: Diamond J. Transport, Inc.

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Re: Diversified Credit Service

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Greenbrier, TN 37073

Re: Dorris Cleaning

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Re: Doskocil Industries, Inc.

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Re: Dossey Holdings, Inc.

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Re: Double A

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Attn: Steven Russ, President / CEO  
31 Carleton Ave.  
Mt. Vernon, NY 10550-4617

Re: Dutchess Forging

David J. Turiciano, Esq.  
Cook & Franke S.C.  
660 East Mason Street  
Milwaukee, WI 53202-3877

Re: Metso Minerals, Inc., f/k/a Dynapac

LYONS, DOUGHTY & VELDHUIS  
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Re: EJ Reynolds

William D. Sullivan, Esq.  
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1007 N. Orange St.  
Wilmington, DE 19899

Re: Empite d/b/a Nortrax

Attn: President/Chief Executive Officer  
100 Thomas Johnson Dr.  
Frederick, MD 21702

Re: Equipment Development Company

Attn: President/Chief Executive Officer  
1195 Broad St.  
Providence RI 02905-2910

Re: Equiptechs, Inc.

Attn: President/ Chief Executive Officer  
1411 N. 27th Ave.  
Phoenix, AZ 85009

Re: Falcon Power, Inc.

Attn President/ Chief Executive Officer  
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Fort Lauderdale, FL 33301

Re: Fischer Group

Attn: President/Chief Executive Officer,  
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Re: Fischer Group

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Attn: President/Chief Executive Officer  
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Re: Fluid Tech

Attn: President/Chief Executive Officer  
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GCR Pensacola Truck Tire Center

Attn: President Chief Executive Officer  
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Re: GCR Pensacola Truck Tire Center

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Re: Gene Jackson Tire Co.

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Re: Gene Jackson Tire Co.

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Re: GFC Leasing

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Re: GMR Marketing Inc.

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NYC, NY

Re: GMR Marketing Inc.

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Re: Goodyear Commercial Tire

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Re: GSR Construction, Inc.

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Re: GSR Construction, Inc.

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Re: Gullo Ford Mercury

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Re: Hick's Petroleum Distributors, Inc.

Attn: President/Chief Executive Officer  
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Tuscaloosa, AL

Re: Hick's Petroleum Distributors

Attn: President/Chief Executive Officer  
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Re: Hindley Electronics, Inc.

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Re: Husquarna Forest & Garden

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Re: ID Technologies, Inc.

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Re: ID Technologies, Inc.

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Re: Igloo Products Corp.

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Re: Illuminating Company, The

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Re: Industrial Hydraulics

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Re: Industrial Hydraulics

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Re: Ingram Trucking Inc.

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Re: J A M Distributing Company

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Re: Illuminating Company, The

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Re: J&B Auto Supply, Inc.

Attn: President/Chief Executive Officer  
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Re: J&B Auto Supply, Inc.

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Re: Jeff Falkanger & Associates

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Re: John Ray and Sons, Inc.

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Re: Kent Demolition Tools

Attn: President/Chief Executive Officer  
799 Roosevelt Road  
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Glen Ellyn, IL 60137

Re: Keson Industries, Inc.

Attn: President/Chief Executive Officer  
810 Commerce Street  
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Re: Keson Industries, Inc.

Attn: Roger Hammond  
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Re: Kforce.com

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Re: L&P Financial Services

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Re: Laclede Chain Mfg. Co.

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Re: Land & Sea Petroleum, Inc.

Attn: President/Chief Executive Officer  
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Re: Lionudakis Wood & Green Waste, Inc.

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Re: Lionudakis Wood & Green Waste, Inc.

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Re: Little Beaver, Inc.

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Re: Lockhart Tire

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Re: M.P. Brine Inc.

Corporation Service Company  
4845 Jimmy Carter Blvd.  
Norcross, GA 30093

Re: Maxim Group

Attn: President/Chief Executive Officer  
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Re: Maxim Group

Maxout Sourcing Systems  
Attn: President/Chief Executive Officer  
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Re: Maxout Sourcing Services

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Re: Carl G. James, Esq.

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Re: Mobile Products Inc.

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Re: Mobile Products, Inc.

Attn: Carl N. Kunz, III  
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Re: Mobile Storage Group Inc.

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Re: Morgan Auto Supply Co.

Attn: President/Chief Executive Officer  
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Pasadena, TX 77503

Re: Morgan Auto Supply Co.

Attn: President/Chief Executive Officer  
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Newark, DE 19713

Re: Morgan Guaranty Trust Co.

Attn: President/Chief Executive Officer  
& Stanley Jewell  
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Re: Morgan Marshall Industries, Inc.

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Los Angeles, CA 90071

Re: Multiquip Inc.

Jane C. Fennelly, Esq.  
Creim, Macias & Koenig LLP  
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Los Angeles, CA 90071

Re: Multiquip Inc.

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720 Grange St.  
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Re: Mutual Industries

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Arnstein & Lehr LLP  
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Re: Naab Consulting Corp.

Attn: President Chief Executive Officer and J.R.  
Nabors, 617 25th St. South  
Birmingham, AL 35233

Re: Nabors Radiator & Electric

NACM of Colorado  
Attn: Dennis Bedingfireld, Registered Agent  
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Re: NACM

Attn: President/Chief Executive Officer  
NACM Southwest  
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Irving, TX 75038

Re: NACM

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Re: NAPA Auto Parts of Franklin

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Re: Neff Rental, Inc.

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Re: Nickey Petroleum Co., Inc.

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Re: Nortrax Equipment Co. South LA

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Re: Nortrax Equipment Co. South LA

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Re: Nortrax NE, LLC

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Re: Nortrax SE, LLC

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Re: Nstar Electric & Gas Corp.

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Re: Office Management Systems, Inc.

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Re: Morgan Tire & Auto, Inc. d/b/a  
Olson Tire Total Car Care

Mr. Morgan, President  
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Re: Morgan Tire & Auto, Inc. d/b/a  
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Re: Original Equip. Replacement Parts

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Re: Original Equip. Replacement Parts

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Re: Orlando Industrial Contractors

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Re: OTR Tire & Supply Co.

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Re: Overland Machinery Co.

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Re: Palmer Distributing & Sales

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Re: Partner Industrial Products

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Re: Parts Associates

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Re: Peterson Tire Inc.

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Re: Pipeline Supply & Service

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Re: Pro Chem Cleaning

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Re: Progressive Tractor Corp.

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Re: Progressive Tractor Corp.

Attn: John D. Cartmill, Registered Agent (or CEO)  
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Re: Promotion Solution, Inc.

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Re: Quick Corner, "Citgo"

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Linda F. Reeder, Treasurer  
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Gary Reeder, President  
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Re: Reeder Distributors Inc.

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Re: Reeder Distributors Inc.

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Re: Relizon

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Re: Rentlink Inc.

Attn: Ron Holland, President  
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Re: Rhode Island Tire Co. Inc.

Attn: Ronald Lawton Holland, President  
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Re: Rhode Island Tire Co. Inc.

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Re: Robertson Fleet Services

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Re: S&D Tire, Inc.

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Re: Saber Fleet Services, Inc. d/b/a Weiland  
Tire Service

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Re: Saber Fleet Services, Inc. d/b/a Weiland  
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Re: Scotty's Oil Company, Inc.

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Re: Sellers Petroleum Products, Inc.

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Re: SoCo Group

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Re: Southeastern Crane

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Re: Sterling Truck of Utah

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Re: Terex Aerials, Inc. d/b/a Terex Cranes

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Re: TMP Worldwide n/k/a Monster Worldwide

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Re: Tullo Truck Stop

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Re: US Markets, Inc.

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Re: Valley Rubber & Gasket

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Re: Valley Tire Co., Inc.

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Re: Valvoline Company, The

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Re: Wendel, Randy

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